

**Report to COUNCIL**

## **Clean Air Scrutiny Proposals**

**Portfolio Holder:**

Cllr Abdul Jabbar, Cabinet Member, Finance & Low Carbon

**Officer Contact:** Nasir Dad, Director of Environment

**Report Author:** Neil Crabtree, Head of Service, Public Protection

**14 December 2022**

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### **Reason for Decision**

To seek approval for accepting the proposal to establish a 'Greater Manchester Joint Scrutiny Committee' to scrutinise decisions of the 'Clean Air Charging Authorities Committee' and the 'Clean Air Administration Committee'.

### **Recommendations**

1. To approve establishment of a 'Greater Manchester Joint Scrutiny Committee' to scrutinise decisions of the 'Clean Air Charging Authorities Committee' and the 'Clean Air Administration Committee' and nominate a lead and deputy for the panel.

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## 1 Background

1.1 The ten Greater Manchester Districts and GMCA established the Clean Air Administration Committee in March 2021 and delegated to the committee -

- the GMCA's and the Constituent Authorities' functions under sections 82 to 84 of the Environment Act 1995
- the GMCA's functions in relation to the Greater Manchester Clean Air Plan (including the taking of action likely to promote or improve the economic, social or environmental well-being of Greater Manchester in connection with it and the use of grants made by the Secretary of State under section 31 of the Local Government Act 2003 to implement that plan).
- the Constituent Authorities functions under the Greater Manchester Clean Air Plan including those under Part 3 of, and Schedule 12 to, the Transport Act 2000 and regulations made thereunder (excluding any decision thereunder that must be taken jointly by charging authorities) including, but not limited to:
  - action required under the Environment Act 1995 (Greater Manchester) Air Quality Direction 2020 (other than the making of the joint local charging scheme);
  - the exercise of their powers under sections 176, 177 and 192 of the Transport Act 2000;
  - the application of the Constituent Authorities' shares of any net proceeds of a joint local charging scheme made by them.

1.2. The discharge of such functions includes the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of those functions.

1.3. The Clean Air Charging Committee was established in October 2021 by the ten districts with the following functions:

1.4 The Committee shall have power to take all such decisions of the Constituent Authorities (as charging authorities) that must be taken jointly under Part 3 of, and Schedule 12 to, the Transport Act 2000 and any regulations made thereunder.

1.5 This includes, but is not limited to:

- Making and varying a joint local charging scheme order;
- Decisions of the charging authority under such a joint local charging scheme and the Road User Charging Schemes (Penalty charges, Adjudication and Enforcement) (England) Regulations 2013.

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## 2 **Current Position**

- 2.1 Decisions of both committees are currently subject to Scrutiny by each District. However, as the Committees are jointly exercising the functions of the authorities, it is proposed that the Scrutiny arrangements are also exercised jointly. This will enable decisions to be scrutinised more effectively and efficiently and on a Greater Manchester basis and across both Committees.
- 2.2 Proposed Terms of Reference for the GM Scrutiny Committee are attached at **Appendix A** of this report.

## 3 **Options/Alternatives**

- 3.1 Options with respect to the proposals are limited. As an authority, we either accept a joint scrutiny model for the air quality functions already taking place at a GM level or we refuse, and keep the scrutiny function within Oldham. If Oldham MBC accepts the joint scrutiny proposals, it will have to nominate a lead and deputy for the panel.
- 3.2 If Oldham decides to retain independent scrutiny, this could result in delayed decision making at a GM level and possible deviation from other authorities at a GM level.

## 4 **Preferred Option**

- 4.1 The recommendation is Option 1, that Oldham MBC supports the joint scrutiny approach proposed. As stated, it will expand on the existing committees that operate at GM level and allow for more expedient and efficient decision making at a GM level once direction is set at a national level while ensuring scrutiny representation from Oldham MBC.

## 5 **Consultation**

- 5.1 N/A

## 6 **Financial Implications**

- 6.1 No significant financial implications are expected.

(John Edisbury – Accountant).

## 7 **Legal Services Comments**

- 7.1 Legal issues are contained within the body of the report. The proposed recommendation is lawful.

(Colin Brittain)

## 8. **Co-operative Agenda**

- 8.1 Oldham supports the establishment of the 'Greater Manchester Joint Scrutiny Committee' as the formation of the committee will foster a greater co-operative working culture with the ten GM authorities, to scrutinise key decisions

(Mahmuda Khanom, Policy Support Officer).

## 9 **Human Resources Comments**

- 9.1 No direct HR implications.

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(Catherine Pearson, Strategic HR Lead)

10 **Risk Assessments**

10.1 There is a need for Clean Air proposals and operations to be subject to Scrutiny and the proposals set out in the report seem sensible to discharge this role ensuring appropriate accountability for decisions taken in this area at a City Region level.

Mark Stenson

11 **IT Implications**

11.1 N/A

12 **Property Implications**

12.1 None

13 **Procurement Implications**

13.1 None. (Dan Cheetham)

14 **Environmental and Health & Safety Implications**

14.1 Air pollution doesn't have boundaries so looking at issues through a GM approach would be a positive step.

14..2 There are no Health and Safety implications (Samantha Cox)

15 **Equality, community cohesion and crime implications**

15.1 N/A

16 **Implications for Children and Young People**

16.1 None

17 **Equality Impact Assessment Completed?**

17.1 No

18 **Key Decision**

18.1 No

19 **Key Decision Reference**

19.1 N/A

20 **Background Papers**

20.1 None

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21     **Appendices**

21.1   Appendix A – Clean Air Scrutiny Committee – Terms of Reference

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## **Appendix A**

### **Clean Air Scrutiny Committee – Terms of Reference**

#### **General**

The Clean Air Scrutiny Committee (“the Scrutiny Committee”) is a joint committee created by the ten Greater Manchester local authorities (“the Constituent Authorities”) under section 101(5) of the Local Government Act 1972.

#### **Membership of the Scrutiny Committee**

The membership of the Scrutiny Committee shall consist of one member appointed by each of the Constituent Authorities and one member of the Greater Manchester Combined Authority. The Constituent Authorities shall also each nominate a substitute member to attend and vote in their stead. Membership must reflect (as far as reasonably practicable) the political balance of the whole GM area.

#### **Role of the Committee**

The Scrutiny Committee’s role and function is as follows:

1. To review or scrutinise decisions made, or other actions taken by the Clean Air Charging Authorities Committee, including decisions delegated by it to officers and sub-committees;
2. To review or scrutinise decisions made, or other actions taken, in relation to the Constituent Authorities’ functions, exercised by the Air Quality Administration Committee, including decisions delegated by it to officers and sub-committees;
3. To make reports or recommendations to the Clean Air Charging Authorities Committee or the Air Quality Administration Committee concerning the discharge of their functions;
4. To Call-In decisions made by the Clean Air Charging Authorities Committee, including decisions delegated by it to officers and sub-committees;
5. To Call-In decisions made, in relation to the Constituent Authorities’ functions, exercised by the Air Quality Administration Committee, including decisions delegated by it to officers and sub-committees;
6. Any three members of the Scrutiny Committee can call in a decision of the Clean Air Charging Authorities Committee or the Air Quality Administration Committee.
7. If the Scrutiny Committee does Call-In a decision it can:
  - (a) Direct that a decision is not to be implemented while it is under review or scrutiny by the Scrutiny Committee; and
  - (b) Recommend that the decision be reconsidered.
8. To establish formal sub committees or informal task and finish groups if they wish.
9. Attendance

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- Members of the Clean Air Charging Authorities Committee or the Air Quality Administration Committee;
  - Officers exercising delegated functions of the Clean Air Charging Authorities Committee or the Air Quality Administration Committee;
- must attend meetings of the Scrutiny Committee, if invited, to answer questions.
10. Other people may be invited to attend meetings of the Scrutiny Committee, but are not obliged to attend.

### **Operation of the Scrutiny Committee**

11. The Committee shall appoint a Chair at its first meeting.
12. The Quorum of the Committee shall be two thirds of its members (7 members).
13. Each member shall have one vote.
14. The Chair shall not have a casting vote.
15. Unless required by law, decisions shall be made by a simple majority.
16. The Committee will meet as often as required.